

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>****I. EXECUTIVE SUMMARY**

Date of Incident:	May 21, 2017
Time of Incident:	3:30 pm
Location of Incident:	2255 E. 103 <sup>rd</sup> Street
Date of COPA Notification:	May 21, 2017
Time of COPA Notification:	3:59 pm

On May 21, 2017, at approximately 3:30 pm, arrestee [REDACTED] pulled a string from his pocket and attempted to hang himself while inside a prisoner cell at the [REDACTED] District Police Station. [REDACTED] who was immediately cut down by lock-up Officers suffered minor injuries and was given medical attention. A log number for this incident was generated by Sergeant [REDACTED] [REDACTED] and the investigation revealed that Officer [REDACTED] searched [REDACTED] upon his arrival to the lock-up. It was alleged that Officer [REDACTED] did not properly search [REDACTED] COPA found that this allegation is NOT SUSTAINED.

**II. INVOLVED PARTIES**

Involved Officer #1:	[REDACTED] star # [REDACTED] employee ID# [REDACTED] Date of Appointment: [REDACTED] 2016, Police Officer, Unit of Assignment: [REDACTED] DOB [REDACTED] 1977, Male, White
Involved Individual #1:	[REDACTED] DOB [REDACTED] 1997, Male, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer [REDACTED]	1. On May 21, 2017, at approximately 1:10 pm, the accused failed to properly search arrestee [REDACTED] for a ligature in violation of Rules 6 and 11; Special Order S07-01-01-II-C (2015).	NOT SUSTAINED

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

**IV. APPLICABLE RULES AND LAWS**

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Rules

1. Rule 6: Disobedience of an order or directive, whether written or oral.
2. Rule 11: Incompetency or inefficiency in the performance of duty.

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## Special Orders

1. S07-01-01 - Inventorying Arrestees' Personal Property (04 December 2015 Version)

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**V. INVESTIGATION<sup>2</sup>****a. Interviews**

The **recorded statement of Detention Aide** [REDACTED] ("DA [REDACTED]" was taken at COPA on November 16, 2018. DA [REDACTED] presented a Police operations calendar to COPA that documented that he was not working on May 21, 2017 as reflected by his day off group number. DA [REDACTED] stated that he did not fingerprint [REDACTED]. DA [REDACTED] stated that his access number must have been used at that time.<sup>3</sup>

The **recorded statement of Officer** [REDACTED] ("Officer [REDACTED]" was taken at COPA on November 16, 2018. Officer [REDACTED] stated that he recalls [REDACTED] ("[REDACTED]" entering the lockup but he did not appear injured or despondent and did not request medical attention. Officer [REDACTED] stated that he had he made entries into the log book, fingerprinted and photographed [REDACTED] at the time of his processing. Officer [REDACTED] stated that Officer [REDACTED] searched [REDACTED] and was the only other Officer present at that time. Officer [REDACTED] stated that he did not recall the contents of [REDACTED] personal property and did not recall seeing a red string. Officer [REDACTED] stated that it is not practice to search a prisoner again after another Officer searches that prisoner in the lock-up. Officer [REDACTED] stated that [REDACTED] did not cause a disturbance when placed in his cell. Officer [REDACTED] stated that someone at the front desk called DA [REDACTED] sometime in the morning to get the access number to log into the fingerprint machine. Officer [REDACTED] stated that he did not have access to the fingerprint computer at the time of [REDACTED] processing and used an access number that was attached to the machine and was unaware that the access number belonged to DA [REDACTED]. Officer [REDACTED] stated that he is not regularly assigned to the lockup and does not have complete access to the systems.<sup>4</sup>

The **recorded statement of Officer** [REDACTED] ("Officer [REDACTED]" was taken at COPA on December 20, 2018. Officer [REDACTED] stated that [REDACTED] entered the lock-up and was asked a series of screening questions by Officer [REDACTED]. Officer [REDACTED] stated that he searched [REDACTED] from top to bottom, and checked his pants, and had [REDACTED] remove his socks and shoes. Officer

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<sup>2</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>3</sup> Att. 28

<sup>4</sup> Att. 29

█████ stated that he had █████ remove his shoelaces. Officer █████ stated that he felt nothing in his pockets and there was not a string in the waistband of his pants. Officer █████ stated that he did not recall if there were strings in his property bag and did not recall who performed the inventory of █████ property. Officer █████ stated that it is procedure for the arresting Officers to perform a search of an arrestee prior to entering the lock-up but did not witness the search of █████ and did not know the extent. Officer █████ stated that █████ did not appear despondent and made no complaints. Officer █████ stated that █████ made no other statements during processing. Officer █████ stated that █████ was escorted to the cell and his tour ended shortly after. Officer █████ stated that he did not search the cell prior to █████ entering, and did not recall if anyone else searched the cell throughout the day.<sup>5</sup>

#### **b. Digital Evidence**

A **video** depicts the interior view of Cell# C-2 at the █ District Police Station. At 3:23 pm, █████ is observed taking a string from his pocket and standing on the toilet to tie the string to a vent opening. █████ then places the string around his neck and attempts to hang himself. Police personnel immediately respond and render aid.<sup>6</sup>

#### **c. Documentary Evidence**

An **Original Case Incident Report** and attached **Supplemental Report** documents the attempt suicide incident and █████ statement to the reporting Officer.<sup>7</sup>

### **VI. ANALYSIS**

The standard of proof in administrative cases investigated by COPA is a preponderance of the evidence. A preponderance of evidence can be described as evidence that makes it more likely than not that the alleged misconduct took place. See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred than that it did not occur, even if by a narrow margin, then the standard of proof has been met.

According to Officer █████ statement, he performed custodial search of █████ Officer █████ stated that he began at the top, moved downward and felt on the outside █████ pockets and felt nothing inside, then checked his waistband. Officer █████ stated that he then had █████ remove his socks and shoelaces. Although the prisoner cell surveillance video depicts █████ taking a string from his pocket<sup>8</sup>, there is a large gap of time not captured between █████ being searched by several Officers and being placed in the cell, and his suicide attempt; the video begins at 3:00pm which is approximately one and one-half hours after █████ was placed in the cell. In addition, the statement made by █████ that "they" missed the string in

<sup>5</sup> Att. 30

<sup>6</sup> Att. 21

<sup>7</sup> Att. 5

<sup>8</sup> Att. 21: 3:23pm

his shorts<sup>9</sup> is immaterial given his lack of cooperation to make a clarifying statement to COPA regarding the origin of the string.

In this instance, Officer [REDACTED] actions are analyzed against Special Order S07-01-01-II-C (2015) which states:

An arrestee's shoelaces, tie, belt, scarf, or anything that could be used as a ligature will be taken from the arrestee upon entry in the lockup and secured in the polyethylene Personal Property Envelope (CPD-11.500). The Personal Property Form will be used to document the contents in the Personal Property Envelope.

There was nothing discovered in the investigation to establish that Officer [REDACTED] did not perform a thorough search and take any item that could have been used as a ligature. To the contrary, Officer [REDACTED] stated that he had [REDACTED] remove his socks and shoelaces in addition to the custodial search. Although [REDACTED] was in possession of a string, there was no indication that it was in his pocket at the time he was searched by Officer [REDACTED] and that he did not hide the string in an area that would have required a more invasive search; COPA finds that the presence of a string does not equate to Officer [REDACTED] conducting an inadequate search, or negligence, given that it appears that he made a good faith attempt to find all ligatures. COPA finds that there was not a preponderance of evidence to prove or disprove that Officer [REDACTED] failed to properly search [REDACTED] and recommends this allegation be NOT SUSTAINED.

## VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer [REDACTED]	1. On May 21, 2017, at approximately 1:10 pm, the accused failed to properly search arrestee [REDACTED] for a ligature in violation of Rules 6 and 11; Special Order S07-01-01-II-C (2015).	NOT SUSTAINED

[REDACTED]  
Angela Hearts-Glass  
Deputy Chief Administrator – Chief Investigator

1-31-19

Date

<sup>9</sup> Att. 5: Supplemental Report Narrative

**Appendix A**

## Assigned Investigative Staff

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**Squad#:****Major Case Specialist:****Supervising Investigator:****Deputy Chief Administrator:**

[REDACTED]

[REDACTED]

[REDACTED]

Angela Hearts-Glass